

HOUSE BILL 2085

By Love

AN ACT to amend Tennessee Code Annotated, Title 44,
Chapter 17, Part 5, relative to the spaying or
neutering of dogs or cats.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 44, Chapter 17, Part 5, is amended by deleting the part in its entirety and by substituting instead the following:

44-17-501.

This part shall be known and may be cited as “The Tennessee Spay/Neuter Law”.

44-17-502.

“Agency” includes, but is not limited to, an animal shelter, dog pound, animal control agency or humane shelter operated by a municipality, county, or other governmental agency within the state, or a private organization operating a shelter from which animals are adopted or reclaimed.

44-17-503.

(a) No agency shall release, sell, trade, give away, exchange, adopt out, or otherwise transfer, with or without a fee, any dog or cat that has not been spayed or neutered unless:

(1) The adopting party has the dog or cat spayed or neutered by a licensed veterinarian:

(A) Within thirty (30) days of the date of the adoption, if such dog or cat is sexually mature; or

(B) Within thirty (30) days after the dog or cat reaches six (6) months of age, if the dog or cat is not sexually mature at the time of the adoption; or

(2) Prior to adoption, a licensed veterinarian finds that a dog or cat is currently medically unfit to withstand a spay or neuter procedure, in which case the agency may temporarily release the dog or cat to a potential adopter until such time as it can safely be spayed or neutered; or until a veterinarian licensed to practice veterinary medicine in the state of Tennessee certifies in writing that it is unlikely that the dog or cat will ever be medically fit to withstand a spay or neuter procedure. Upon the occurrence of either event, ownership of the dog or cat shall be transferred to the potential adopter, provided the potential adoption certifies in writing that the animal shall not be used for breeding.

(b) Nothing in this section shall preclude the spaying or neutering of a sexually immature dog or cat at the discretion of a licensed veterinarian with the consent of the new owner.

44-17-504.

(a) For dogs or cats that have not been spayed or neutered and have not been found medically unfit to withstand a spay or neuter procedure as set forth under § 44-17-503, the agency shall require a deposit of not less than twenty-five dollars (\$25.00) from the adopting party prior to the adoption in order to ensure that the dog or cat is spayed and neutered. The adopting party may request and shall receive a refund of the deposit from the agency upon providing proof of compliance with § 44-17-503(a)(1).

(b) If the adopting party fails to have the dog or cat spayed or neutered within the time frame pursuant to § 44-17-503(a)(1) or if the spaying or neutering is timely performed, but the new owner fails to request the return of the deposit within an additional ten (10) days after the date the spaying or neutering is either required to be performed or proof is provided that the spaying or neutering is not required to be

performed, the deposit shall be forfeited to the agency holding the deposit and shall be used by the agency to conduct programs to spay or neuter dogs and cats in the community where the agency is located; provided, that, in any county having a population not less than fifty-three thousand, five hundred (53,500) nor more than fifty-three thousand, six hundred (53,600), according the 2010 federal census or any subsequent federal census, the deposit shall be used to defray any operational expenses of the agency, except the salaries of persons employed by the agency.

44-17-505.

If a person fails to comply with this part, the agency may file a petition with a court of competent jurisdiction seeking compliance or compelling the return of the dog or cat to the agency from which it was adopted.

44-17-506.

Nothing in this part shall be construed to authorize an agency to spay or neuter a dog or cat, if the dog or cat is being claimed by and returned to its lawful owner within seven (7) days of the dog or cat being taken into custody by the agency.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.